

DETAILED ACTION

This is a non-final first Office action on the merits. Currently, claims 1-31 are pending.

Claim Objections

Claim(s) 11, 14, 16, and 27 is/are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. These claims are directed to computer-readable mediums having computer-executable instructions for performing the steps of claims 1, 13, 15, and 18, respectively. These claims are improper because they fail the “infringement test” (see MPEP 608.01(n), Section III). Applying the infringement test, what is needed to infringe claims 11, 14, 16, and 27 is, for example a CD-ROM having computer executable code that if and when executed would cause a computer to do the steps recited in claims 1, 13, 15, and 18. However, such a CD-ROM would not infringe the method steps of claims 1, 13, 15, and 18 since the CD-ROM itself never performs any of the active steps required by the method of claims 1, 13, 15, and 18. In other words, mere possession of such a CD-ROM would infringe claims 11, 14, 16, and 27, but would not infringe claims 1, 13, 15, and 18. Thus, claims 11, 14, 16, and 27 are improper dependent claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 6-11, 18-25, and 27-31 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. pre-grant publication number 2007/0208608 to Amerasinghe et al (“Amerasinghe”).

As per claim 1, Amerasinghe discloses a computerized method of integrating preexisting product forecasts, the method comprising:

receiving from a user one or more parameters of an integrated product forecast desired by the user, the integrated product forecast relating to a plurality of products (see paragraph 50, disclosing searching through forecasts [“Revenues”] to locate those based on specified criteria);

identifying a plurality of preexisting product forecasts which match the one or more parameters received from the user (see paragraph 50, disclosing searching through forecasts [“Revenues”] to locate those that match specified criteria);

producing the integrated product forecast using data retrieved from the preexisting product forecasts which match the one or more parameters received from the user (see paragraph 50, disclosing searching through forecasts [“Revenues”] to locate those based on specified criteria, and using located “Revenues” to create a new forecast); and

providing the produced integrated product forecast to the user (see paragraph 50, disclosing allowing a user to make modifications to created forecasts; figures 16-17, 19-27; figure 35, item 708).

As per claim 2, Amerasinghe discloses a method wherein the one or more parameters received from the user include a forecast metric for the integrated product forecast (see paragraph 54, disclosing including revenues and amounts in a forecast; paragraph 55, disclosing "creating a forecast based on various inputs, including revenue schedules"; figure 18C).

As per claim 3, Amerasinghe discloses a method wherein the one or more parameters received from the user include a time range for the integrated product forecast (see paragraph 48, disclosing creating "weekly forecasts"; paragraph 50, disclosing specifying a "forecast series and date" to forecast over).

As per claim 6, Amerasinghe discloses a method wherein receiving includes receiving the one or more parameters from the user via one of a local area network and a wide area network (see generally paragraphs 157-170 and figures 32-35, disclosing various system architectures for practicing the invention, including using a local or wide area network; see specifically figure 35, containing the description "to & from local/wide area network/internet).

As per claim 7, Amerasinghe discloses a method wherein the preexisting product forecasts are in spreadsheet form, and wherein producing includes producing the integrated product forecast in spreadsheet form (see generally figures 16, 19-21, and 26-27; see specifically paragraph 104, disclosing entering and viewing the revenue schedule in a table).

As per claim 8, Amerasinghe discloses a method wherein the preexisting product forecasts were produced using a computer spreadsheet application, and wherein producing

includes producing the integrated product forecast as a portable electronic file using said computer spreadsheet application (see paragraph 143, disclosing using Microsoft Access and various other computer spreadsheet applications).

As per claim 9, Amerasinghe discloses a method wherein identifying includes filtering data associated with the preexisting product forecasts using the one or more parameters received from the user (see paragraph 50, disclosing searching through forecasts [“Revenues”] to identify those that match specified criteria).

As per claim 10, Amerasinghe discloses a method wherein the data associated with the preexisting product forecasts includes profile data input directly by one or more users (see generally paragraphs 49-50 and 54-56; see specifically paragraph 50, disclosing searching for “Revenues” that match specified criteria; paragraphs 49, 54-56, disclosing wherein said “Revenues” are generated by users).

As per claim 11, Amerasinghe discloses a computer-readable medium having computer-executable instructions for performing the method of claim 1 (see paragraph 169).

As per claim 18, Amerasinghe discloses a computerized method comprising:

retrieving, in response to a user command, data associated with a preexisting product forecast in spreadsheet form (see paragraph 140-142, disclosing displaying forecast information in tabular form in response to a user command; figures 24-25); and transmitting the retrieved data through a computer network to a central database for storage (see paragraph 143, disclosing storing data in an enterprise database).

As per claim 19, Amerasinghe discloses a method wherein retrieving includes retrieving an electronic file comprising said data, and transmitting includes transmitting the retrieved electronic file to the central database for storage (see paragraphs 143, 157-170, figures 32-35).

As per claim 20, Amerasinghe discloses a method wherein retrieving includes retrieving said data from one or more predefined regions of the preexisting product forecast (see paragraph 140-142; figures 24-25, wherein the retrieved information is retrieved from a region of the forecast dedicated to a selected employee).

As per claim 21, Amerasinghe discloses a method wherein the computer network is one of a local area network and a wide area network (see generally paragraphs 157-170 and figures 32-35, disclosing various system architectures for practicing the invention, including using a local or wide area network; see specifically figure 35, containing the description "to & from local/wide area network/internet).

As per claim 22, Amerasinghe discloses a method further comprising receiving from a user profile data relating to the preexisting product forecast, and wherein transmitting includes transmitting the received profile data to the central database for storage (see generally paragraphs 49-50 and 54-56; see specifically paragraph 50, disclosing searching for "Revenues" that match specified criteria; paragraphs 49, 54-56, disclosing wherein said "Revenues" are generated by users; see also paragraph 143, disclosing storing data in an enterprise database).

As per claim 23, Amerasinghe discloses a method further comprising prompting the user to provide said profile data (see figures 18—18D; paragraphs 109-112, disclosing a "Revenue Schedule Wizard").

As per claim 24, Amerasinghe discloses a method wherein prompting includes prompting the user to provide profile data selected from the group consisting of country, indication, product type, and therapeutic area (see figure 18B, depicting the user inputting a “Product” and “Product Line”).

As per claim 25, Amerasinghe discloses a method further comprising storing the transmitted data in the central database (see paragraph 143, disclosing storing data in an enterprise database).

As per claim 27, Amerasinghe discloses a computer-readable medium having computer-executable instructions for performing the computerized method of claim 18 (see paragraph 169).

As per claim 28, Amerasinghe discloses a computerized method comprising:

receiving through a computer network forecast data associated with a plurality of preexisting product forecasts (see paragraph 140-142; figures 24-25);

storing the received forecast data in a central database (see paragraph 143);

producing a log of the preexisting product forecasts having associated data stored in the central database (see figures 28-30; paragraphs 144-156); and

providing the produced log to one or more users through the computer network (see figures 24-27, depicting data that is stored being provided to a user).

As per claim 29, Amerasinghe discloses a method further comprising receiving through the computer network a user request to delete data associated with one or more of the preexisting product forecasts included in said log, and deleting such data from the central database (see paragraphs 58 and 64, disclosing allowing a user to delete data from the database).

As per claim 30, Amerasinghe discloses a method wherein said user request is made via the log provided through the computer network (see paragraphs 58 and 64; figures 4, 6A-6B).

As per claim 31, Amerasinghe discloses a method further comprising revising the log to remove therefrom the one or more preexisting product forecasts for which associated data was deleted from the central database in response to the user request (see paragraphs 58 and 64; figures 4, 6A-6B).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-5, 12-17, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amerasinghe in view of Official Notice.

As per claim 4, Amerasinghe discloses a method wherein the forecast metric is selected from the group consisting of sales, market share, units, and prescriptions (see paragraph 54, disclosing basing revenue schedules on amounts).

Amerasinghe does not explicitly disclose wherein the plurality of products are pharmaceutical products.

Examiner takes Official Notice that it was well known to one of ordinary skill in the art at the time the invention was made to apply the invention of Amerasinghe to any type of product.

One of ordinary skill in the art would have been motivated to do so in order to use the invention to support a business within a particular industry.

As per claim 5, Amerasinghe discloses a method wherein the one or more parameters received from the user further include parameters selected from the group consisting of product name, product type, indication, therapeutic area, and country (see figure 18B, depicting the user inputting a “Product” and “Product Line”).

As per claim 12, Amerasinghe discloses a computerized method of integrating preexisting product forecasts in spreadsheet form, the method comprising:

receiving from a user via a computer network a plurality of parameters of an integrated product forecast desired by the user (see paragraph 50, disclosing searching through forecasts [“Revenues”] to locate those based on specified criteria), the integrated product forecast relating to a plurality of products, the parameters received from the user being selected from the group consisting of product type, indication, therapeutic area, and country (see figure 18B, depicting the user inputting a “Product” and “Product Line”).;

filtering data associated with preexisting pharmaceutical product forecasts in spreadsheet form using the parameters received from the user to thereby identify matching product forecasts (see paragraph 50, disclosing searching through forecasts [“Revenues”] to identify those that match specified criteria).;

producing the integrated product forecast using data retrieved from the matching product forecasts(see paragraph 50, disclosing searching through forecasts

[“Revenues”] to locate those based on specified criteria, and using located “Revenues” to create a new forecast); and providing the produced integrated product forecast to the user via the computer network (see paragraph 50, disclosing allowing a user to make modifications to created forecasts; figures 16-17, 19-27; figure 35, item 708). (see also the related sections indicated for claims 1-11)

Amerasinghe does not explicitly disclose wherein the plurality of products are pharmaceutical products.

Examiner takes Official Notice that it was well known to one of ordinary skill in the art at the time the invention was made to apply the invention of Amerasinghe to any type of product. One of ordinary skill in the art would have been motivated to do so in order to use the invention to support a business within a particular industry.

As per claim 13, Amerasinghe discloses a method wherein the computer network is a local area network (see generally paragraphs 157-170 and figures 32-35, disclosing various system architectures for practicing the invention, including using a local or wide area network; see specifically figure 35, containing the description “to & from local/wide area network/internet).

As per claim 14, Amerasinghe discloses a computer-readable medium having computer-executable instructions for performing the method of claim 13 (see paragraph 169).

As per claim 15, Amerasinghe discloses a method wherein the computer network is a wide area network (see generally paragraphs 157-170 and figures 32-35, disclosing various system architectures for practicing the invention, including using a local or wide area network;

see specifically figure 35, containing the description “to & from local/wide area network/internet).

As per claim 16, Amerasinghe discloses a computer-readable medium having computer-executable instructions for performing the method of claim 15 (see paragraph 169).

As per claim 17, Amerasinghe discloses a method wherein the preexisting product forecasts in spreadsheet form were produced using a computer spreadsheet application, and wherein producing includes producing the integrated product forecast using said computer spreadsheet application (see paragraph 143, disclosing using Microsoft Access and various other computer spreadsheet applications).

Amerasinghe does not explicitly disclose wherein the plurality of products are pharmaceutical products.

Examiner takes Official Notice that it was well known to one of ordinary skill in the art at the time the invention was made to apply the invention of Amerasinghe to any type of product. One of ordinary skill in the art would have been motivated to do so in order to use the invention to support a business within a particular industry.

As per claim 26, Amerasinghe does not explicitly disclose wherein the preexisting product forecast is a preexisting pharmaceutical product forecast.

Examiner takes Official Notice that it was well known to one of ordinary skill in the art at the time the invention was made to apply the invention of Amerasinghe to any type of product. One of ordinary skill in the art would have been motivated to do so in order to use the invention to support a business within a particular industry.

Additional Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. pre-grant publication number 2004/0010442 to Merker et al, disclosing adjusting a sales forecast based on parameter data received from a sales order.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NEIL R. KARDOS whose telephone number is (571)270-3443. The examiner can normally be reached on Mon-Thu and alternating Fridays from 7:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dixon can be reached on (571) 272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Naeem Haq/
Primary Examiner, Art Unit 4172

Neil R. Kardos
Examiner
Art Unit 4172

nrk
12/17/07